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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

5 \* \* \*

6 Johnny N. Padilla,

7 Plaintiff,

8 v.

9 Kenith Kemper,

10 Defendant.

Case No. 2:24-cv-00665-GMN-DJA

**Report and Recommendation**

11 On May 30, 2024, the Court gave Plaintiff an additional thirty days, until July 1, 2024, to  
12 file an amended complaint. (ECF No. 7). In doing so, the Court informed Plaintiff that “[f]ailure  
13 to comply with this order will result in the recommended dismissal of this case.” (*Id.*). To date,  
14 Plaintiff has not filed anything further in this action.

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16 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
17 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

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**NOTICE**

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: September 10, 2024



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DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE